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**German Strategies for the Prevention of  
Endangerment of Children's Welfare in  
Situations of Violence between Partners**

Centre for the Prevention of Youth Crime (ed.)



Arbeitsstelle Kinder- und  
Jugendkriminalitätsprävention

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## Introduction

Many girls and boys experience violence within the family. This includes not only physical and sexually motivated violence directed against them, but also domestic violence, usually on the father's part and directed against the mother. Only in recent years has it been realised that children and young people are exposed to a wide range of stress factors associated with domestic and inter-partner violence.

In spite of statutory provisions such as the *Platzverweis* (exclusion order) and *Gewaltschutzgesetz* (Protection from Violence Act), it continues to be necessary for some of these children and young people to escape with their mothers to the homes of relatives or a women's refuge, consequently changing to a new nursery or school. For others, escape from the family situation means quitting the family themselves. Even when the family situation has outwardly become less tense, some children are still – perhaps as a result of long-running disputes over contact and caring rights – confronted with violence during the father's access periods, in nightmares, or in suddenly returning memories. They suffer from fear, disruption of sleep and of concentration, or have learnt that violence is a means of getting one's own way.

Avoidance of domestic violence is very important for two reasons: first, in order to protect girls and boys from imposed stresses and from development impairment; and second, to avert the reproduction of violence suffered in the form of violence perpetrated, whether directed against the self, against age peers, or against a partner later in life.

## 1 Violence between partners: prevalence and forms taken

A present-day prevalence study concludes that one woman in four experiences physical and/or sexual violence at the hands of her partner<sup>1</sup>. Of these women, 31% had experienced one act of violence, 36% reported two to ten situations, and 33% named ten to 40 situations involving violence. For 64% of those affected, the violence resulted in injury. Police criminal records and data collected in the context of the so-called *Platzverweis* likewise illustrate the stresses to which women are subjected by violence on the part of husband or partner, both during the relationship and during and after the separation process<sup>2</sup>. A number of different studies indicate that about 25% of men state that they

1 cf. BMFSFJ 2004

2 cf. Steffen 2005

have suffered violence at the hands of a female partner. However, the violence in question was much more frequently a case of minor acts of violence, which seldom cause injury. Moreover, scarcely any men report feeling afraid of their (female) partner.

Johnson (2005; cf. also Johnson/Leone 2005) distinguishes on the basis of North American prevalence studies between “situational couple violence” – a frequently occurring and largely non-gender-linked violence pattern associated with conflicts, which usually involves only minor stresses for those affected – and “intimate terrorism”. Often, though not always, this latter pattern of violence forms part of an escalating spiral of violence; it leads in most cases to substantial adverse consequences in various areas of life, and it is predominantly practised by men<sup>3</sup>. The meaning of the term “intimate terrorism” overlaps substantially with that of “domestic violence”. With reference to Germany, Helfferich and Kavemann (2004) show from the woman’s perspective the great diversity of forms in which violence is encountered, the equally great diversity of women’s reactions to violence, and the need for a corresponding degree of diversification in support provision.

Children living in the couple’s household are affected, primarily in the sense of Johnson’s “intimate terrorism”, by violence amounting to systematic controlling behaviour in the context of an abusive relationship. Domestic violence impacts both directly and indirectly on the couple’s sons and daughters, and often occurs alongside direct acts of violence against the child. In a study conducted by the Lower Saxony Institute for Criminological Research, 21.3% of 16- to 29-year-olds surveyed (N=1067) stated that they had been confronted with parental inter-partner violence<sup>4</sup>. 3.7% had been present when one parent injured the other, using a weapon<sup>5</sup>. Those who repeatedly witnessed violence were abused eight times more frequently by their fathers and mothers than those who grew up without parental inter-partner violence. The risk of sexual abuse also increases<sup>6</sup>.

The direct effects of domestic violence on children include conception in the course of rape<sup>7</sup>, pregnancy complications and miscarriage caused by abuse during pregnancy<sup>8</sup>, and injuries resulting from blows aimed at the mother when children are close by. A special danger to children lies in the eventuality of an escalation of violence, up to and including actual killings, when separation takes place or is intended. The children themselves may be injured or killed;

3 cf. Johnson 1995; Piispa et al., 2002

4 cf. Wetzels 1997

5 cf. Pfeiffer/Wetzels 1997

6 cf. Hammer 1989; Farmer/Owen 1995; cited in Kavemann 2000 and Kindler 2003

7 cf. Heynen 2003

8 cf. Campbell, Garcia-Moreno/Sharps 2004



they may lose their mother or both parents<sup>9</sup>. Indirect consequences arise from growing up in an atmosphere of violence and inflicted humiliation, which may also involve neglect, overburdening, and social disadvantage<sup>10</sup>.

Repeated witnessing of serious violence – particularly in conjunction with violence suffered personally – results in substantial age-dependent harm to the physical, emotional, cognitive and social development of children affected. Stress-inducing factors such as alcohol dependency or mental illness in a parent, and risk factors such as poverty and cramped living conditions, increase the likelihood of further problems<sup>11</sup>. These in turn may give rise to conflicts at day-care centres and at school<sup>12</sup>. Studies – by the Institute for Criminological Research, for example, also the *Hallenser Gewaltstudie* (Halle Study of Violence) – have shown that domestic violence may constitute the background to violence and offending, particularly among boys<sup>13</sup>. There is a strong link between the witnessing of inter-parental violence and later active commission of violent acts in pair relationships where the violence is a component in systematic controlling behaviour.

## 2 Special features of this field and the legislative context

The problems posed by intra-familial violence both to the immediate social environment and to institutions such as counselling centres, youth offices and the police service are of a special nature in that the violence occurs within the private domain rather than in public. This applies with particular force to interventions prompted by violence between partners: the concern here is to mould not only parent-child relationships, but the parents' own reciprocal relationship.

For children affected by domestic violence, legislative changes are important. New provisions include further-reaching availability of protection for children and young people, in response to changed social norms. The relevant legislation includes the *Polizeigesetz der Bundesländer zur Wegweisung beziehungsweise zum Platzverweis der gewalttätigen Person* (each German Federal State's Police Act covering non-molestation and exclusion orders served on persons committing offences of violence), the *Gewaltschutzgesetz* (Protection from Violence Act), which inter alia confers powers to determine place of abode, and the *Kinderrech-*

9 cf. Heynen 2005

10 cf. Heynen 2001

11 cf. Laucht et al. 2000; Meyer- Probst/Reis 1999

12 cf. inter alia Kavemann 2000; Kindler 2002

13 cf. Bannenberg/Rössner n.d.

*teverbesserungsgesetz* (Improvement of Children's Rights Act)<sup>14</sup>: "(1) Measures involving separation of the child from the parental family are lawful only in so far as the risk cannot be covered by other means, including public resources. This provision still applies when a parent is to be temporarily or indefinitely debarred from using the family home." Further improvements may be expected as a consequence of legislation to combat "stalking" and forced marriages.

### 3 Prevention strategies

In addition to the legislative strategies noted above, there have been other significant improvements over the last few years with regard to the combating of threats to children's welfare arising in connection with domestic violence. Cooperation models at local authority level and specific programmes have led to more precisely targeted forms of prevention and intervention. A parallel heightening of public, media and political awareness of the problem has contributed to the present more serious view taken of violence in the immediate social environment.

In terms of social intervention approaches at local authority level, the following can be broadly identified as the principal networked players, with their respective specific areas of responsibility:

- Police service and *Ordnungsamt* (public order office): protection against violence, *Platzverweis* (exclusion order) and liaison with the youth office, right of residence),
- Justice system: prosecution service),
- *Frauenbeauftragte* (women's rights representatives): networking and public relations,
- Intervention centres, women's refuges and advice bureaux: protection and support for women and their children,
- Counselling for men: social training courses, individual counselling,
- Child and youth services: support in upbringing, protection duty under Social Code Book VIII, § 8a.

If one assumes – for example – that a *Platzverweis* has been served, it will be the responsibility of the youth office, on receipt of faxed information to that effect from the police, to assess the threat to child welfare potentially arising from the witnessing of violence, to arrange for continuing support as needed, and to initiate family court proceedings in the event of parents refusing such support in spite of substantial need. Centres for psychological counselling, also inde-

<sup>14</sup> see KindRVerbG; § 1666a BGB (German Civil Code)

pendent providers, offer counselling and support on an individual basis in connection with domestic violence. Child and youth welfare providers, perhaps in the context of their duties under Social Code Book VIII<sup>15</sup> will concern themselves with stresses suffered by children as a consequence of domestic violence<sup>16</sup>

The following paragraphs describe approaches that show some preventive effect when used on an intervention basis and are being implemented in at least some local authority areas.<sup>17</sup> The descriptions are complemented by a listing of current gaps, in order to highlight the fact that a truly effective strategy will combine a number of different elements and will systematically implement all of them.

### 3.1 Non-specific prevention strategies for inter-partner violence

The main strategic approaches to protection of children and young people from encountering domestic violence are based on broad social context, immediate social environment, and public perception. These factors influence the parents' behaviour and willingness to seek support and to change their behaviour.

Long considered to be a private matter, and treated accordingly, domestic violence has become a topic of central concern to society. It is no longer widely disputed that the social conditions imposed by, for example, media, politics and local government, the economy, culture and science have an important bearing on the behaviour of men and women. Favourable economic conditions, reasonable job prospects, and daytime courses and childminding available on the doorstep may well bring forward the decision to separate from a violent partner. Leaving aside the question of what is happening to society as a whole, it is of great importance that institutions not at first sight closely involved in dealing with domestic violence should nevertheless be kept informed, so that practical solutions – a place in a daycare centre for school-age children, for instance – can be located at relatively short notice.

Whether women will actually be able to make use of such opportunities as present themselves, or not, depends generally on what support programmes are available, for instance in terms of immediate social environment or wom-

15 e.g. *Sozialpädagogische Familienhilfe* (family support through social education), *Soziale Gruppenarbeit* (social work with groups) or *Stationäre Jugendhilfe* (residential child and youth services)

16 cf. Centre for the Prevention of Youth Crime (2009).

17 For detailed descriptions of a number of different approaches see *Handbuch Kinder und häusliche Gewalt*, edited by Barbara Kavemann and Ulrike Kreyssig (2005), also Kindler/Unterstaller (2005).

en's counselling centres. The structural aspect of prevention thus requires an infrastructure able to help persons affected by violence with their individual needs and to strengthen their personal support network.

Further important building blocks are education of the population at large about domestic violence – e.g. through the outreach work of the participating institutions – and media coverage. Press conferences, special events, posters, pamphlets and leaflets advising on legislative changes, stress-inducing factors, support programmes and the uses and limits of intervention all contribute to an ongoing process of establishing norms, ensuring publicity for support programmes and encouraging the immediate social environment to make a stand against violence. An important element is the focusing of attention on the role played by misogynist attitudes and by pretexts legitimising violence in the perpetuation of the practice of domestic violence.

A particular problem is posed by the dissemination in the media of relationship stereotypes and distorted accounts of support measures such as the work of the youth offices, and the trivialisation and justification of violence in violent films and computer games. A tendency to relativise violence can also be observed in connection with unlawful killings in which the victims are women and children in a context of domestic violence. These offences are perceived in the public arena as family dramas, not murder – not even when the crime has been the perpetrator's declared intent and rationally planned<sup>18</sup>. The consequences for the perpetrators are not reported.

Little is yet known about the influence that may be exerted by foreign-language media serving ethnic minorities as an information source.

### 3.2 Prevention strategies targeting specific groups

Improvements have been achieved through programmes aimed directly at persons affected by violence, although they have not been universally implemented, and in many cases do not enjoy secure funding.

Direct victims of domestic violence, i.e. generally women and in many cases mothers, can have recourse in many local authority areas to a women's refuge, women's counselling centre, or even an intervention centre, each of which will offer individual assistance. A start has been made on devising ways to cater for the different counselling needs of different women<sup>19</sup>, also to help them in their role as mothers<sup>20</sup>. This means that, for instance, children of mothers opting

18 cf. Heynen 2005

19 cf. Helfferich/Kavemann 2004

20 cf. e.g. Heynen 2006

against legal separation from a violent partner will be entitled to professional support.

With regard to altering the violent behaviour of men, accumulated experience of the efficacy of social training courses and individual counselling is now on record. Questions that still remain relatively open are how the topic of fatherhood can be constructively integrated into the work<sup>21</sup>, and how access to existing programmes might be improved – possibly by way of *Auflagen* (court orders). In view of the risk that violence may escalate during the separation process, to the point of causing a death, increasing use is being made – e.g. in the city of Unna and in the federal state of Baden-Württemberg – of the strategy known as the *Gefährderansprache* (warnings to potential offenders)<sup>22</sup>.

For many years scant attention was paid to the situation of children concerned; however, domestic violence is now an important criterion for determining the level of threat to a child's welfare. This topic has been featured in the guidance recommendations issued by the *Allgemeiner Sozialer Dienst* (General Social Services) and in standardised advice on how to proceed<sup>23</sup>. So far, however, not all local authority areas have achieved satisfactory cooperation in the domestic violence field between the police service, the youth office, women's counselling centres and refuges, and institutions providing services for children and young people. There is also a need for provision achieved so far to be more finely tuned to needs, so that children and young people will have easier access to support programmes even if there has not been a *Platzverweis* (exclusion order) or a shared escape with the mother from home to a women's refuge.

With regard to longer-term support and prevention in the context of inter-partner violence, it has proved useful in dealing with children to provide not only individual counselling but, additionally, group programmes that take cognisance inter alia of gender considerations. Such programmes are offered both within the women's refuges<sup>24</sup> and independently of them<sup>25</sup>. Experiences of domestic violence are also addressed in the context of group-work with violent youngsters<sup>26</sup>. Face-to-face work with children may use work materials developed for children (such as the little story-book "*Zu Hause bei Schulzes*" (At Home with the Schulze Family), AK "*Kinder und häusliche Gewalt*" (Children and Domestic Violence (2005), or the video Home Truths [Leeds Animation Workshop 1999]).

21 cf. also Liel 2005; Hafner 2005

22 cf. Stürmer 2005a, 2005b

23 cf. e.g. Stadt Karlsruhe 2006, Reich/Jugendamt der Landeshauptstadt Stuttgart 2006, cf. also BIG e.V. 2005

24 cf. Dürmeyer/Maier 2006

25 cf. Gaily/Traub 2006

26 cf. Liel 2005

A strategy that has proved significant is to inform children, without involving the parents, about how to obtain support. Examples of this in practice are a website for children and young people<sup>27</sup> and an information sheet for children, which can support the explanation of a *Platzverweis* operation either at the time of the police visit or subsequently<sup>28</sup>.

### 3.3 Strategies based on cooperation and networking

Domestic violence impinges on the work of a number of different institutions, in a multiplicity of different ways, while the institutions, for their part, bring radically differing perspectives to – and play disparate roles in – the campaign against violence. If the actions of different bodies are to run in a coordinated and effective manner, and overload in individual fields of work to be avoided, cooperation and networking are very important. This in turn implies familiarity with the respective fields of work and competences, reciprocal professional esteem, and frank dialogue and appropriate decision-making authority on the part of all individuals concerned<sup>29</sup>.

Long-standing cooperations can be assessed by their results, which vary from one local authority area to another. Generally speaking there are positive developments in cooperation between police, women's refuge and counselling providers, men's counselling and youth services, as the direct follow-up to a *Platzverweis*. Jointly produced information booklets on *Platzverweis* and the law relating to protection from violence outline the legal basis for intervention and the procedures followed by the various institutions concerned. Guidance notes on the subject of imperilling children's welfare detail the responsibilities and working procedures of individual youth offices and the *Allgemeiner Sozialer Dienst* (General Social Services), and liaison arrangements with other institutions. Information systems facilitate direct access to victims and offenders, and play a part in ensuring that single-institution action develops into an intervention chain. Thus, for instance, following a call to a domestic violence case, the police will advise the youth office by fax of any children living in the household. The practice of cooperation also leads to conferences and other types of further professional qualification, contributing to the development of support programmes initiated outside the institutions that are directly involved.

Institutionalised and well-established forms of cooperation serving to promote review and appraisal of professional practice and the further development of

27 [www.kidsinfo-gewalt.de](http://www.kidsinfo-gewalt.de)

28 cf. Kinderbüro der Stadt Karlsruhe 2005

29 cf. Kavemann 2004

procedural sequences and the related networking are contributing to ongoing improvement of intervention practice.

It is important that existing cooperative relationships should be steadily deepened and transparency constantly re-established for the benefit of new colleagues. Further cooperation partners such as public and private health services providers – here in particular hospitals with casualty departments, also the fields of gynaecology, general medicine, paediatrics and psychiatry – should be brought on board. Efforts are in progress to find ways to cooperate with child day-care centres<sup>30</sup> and schools. Schools in particular are of great importance in connection with violence prevention and establishing contact with girls and boys severely traumatised by violence. Building on the start made with an exhibition of pictures by children illustrating the topic of domestic violence – put on display at police headquarters in Karlsruhe in 2005, and elsewhere – material is being accumulated with a view to facilitating treatment of the subject in schools. In Berlin schools, a new domestic violence prevention project is currently being launched by the Berlin *Interventionszentrale bei häuslicher Gewalt* (Domestic Violence Intervention Centre), in cooperation with the child and youth services<sup>31</sup>.

## 4 Future prospects and challenges

The whole field of professional engagement with domestic violence, including associated endeavours in relation to the protection and support of children affected by violence, has built up a very considerable momentum over the course of the last few years. In spite of progress made, however, much remains to be achieved.

It seems important that the field should admit greater specialisation of approach. Violence between partners has manifold forms; those affected are endangered by it in different ways and respond to it in different ways. The support system has to be capable of meeting the needs of women, men, children and young people appropriately, making use of new access channels and outreach programmes.

Progress in this direction must be underpinned by intensification of research in Germany into the different forms of violence within relationships and the effect they have on the children involved. There is no other way to identify specific singularities, assess the efficacy of initiatives, and make appropriate qualifications available to the field's professional workers.

30 cf. Borris 2005

31 available at [www.big-interventionszentrale.de/mitteilungen/archiv.htm](http://www.big-interventionszentrale.de/mitteilungen/archiv.htm)

It remains a major objective to secure the maximum possible unhindered take-up of the support. That means overcoming language problems, ignorance of the relevant infrastructure, and mobility limitations – points of particular relevance for the population sectors most affected by violence, and for people with a minority ethnic background. So-called “outreach” and ”proactive” approaches should be developed further, with a view to reaching all affected children, young people, mothers and fathers.

Certain new problems have emerged as a result of changed procedures in cases of separation and divorce, prompted by the so-called *Cochem Model* and the *Gesetz über das Verfahren in Familiensachen und in den Angelegenheiten der freiwilligen Gerichtsbarkeit* (Act governing conduct of family proceedings and proceedings within the “voluntary justice” system; [Fam-FG]). Under Fam-FG § 156 (efforts to reach agreed settlement), parents are to be motivated to seek an agreed settlement and where appropriate to make use of counselling provision. Here the major challenge arises of identifying families in which, in the context of a history of abuse, there is a risk during the period of the separation process of an escalation of violence and a continuing threat to the victims of the violence.

If the relationship between the parents is characterised by control and violence, the first concern has to be the immediate protection of the victims of violence<sup>32</sup>. A risk prognosis based on detailed analysis, an assessment of parenting competence<sup>33</sup> and outreach programmes, including for the violent person, are important strategies. Only by these means will it be possible to establish whether a basis exists for contact, of a kind that will benefit the child’s development, between the (past) violent offender and his son or daughter<sup>34</sup>. Where it is not possible to ensure protection from violence and stabilisation of those affected by violence, contact between a violent father and his children should be made conditional on his acceptance of counselling and acquisition of parenting competence<sup>35</sup>.

A matter of great importance is the improvement of cooperation between the participating institutions on the one hand, particularly the youth offices, and the judicial system, here most particularly the family courts, on the other. This applies also with regard to the involvement of the youth office in decisions made under the Protection from Violence Act when there are children living in

32 on this point, cf. the action guidelines “Begleiteter Umgang bei häuslicher Gewalt” (supervised contact in cases of domestic violence), BIG 2002

33 cf. Hafner 2005

34 endangering a child’s welfare, esp. in the sense of § 8a, Social Code Book VIII, versus Kindschaftsrecht (parent-child law)

35 cf. Hafner 2005



the household, and to the increased use of conditional discharges by the prosecution service and the courts<sup>36</sup>.

Like child abuse and child neglect, domestic violence is a problem of importance to everyone and one that can only be tackled by combined action on the part of all parties involved. That does not mean professionals alone: family members, neighbours, work colleagues, friends and acquaintances all have a duty to play their part in protection of children and of young victims of violence. It follows that over the longer term cooperation should be extended beyond the institutions mentioned in the foregoing discussion, and should be linked to other forms of violence prevention. There is an important role here for employers, church congregations and groups, ethnic minority organisations, neighbourhood walk-in centres, and clubs and societies.

A great deal of effort is being put into safeguarding the ground that has been won. Wherever initiatives have to be funded from project grants, the application formalities and documentation consume professional time that could otherwise be devoted directly to the work of prevention and intervention. In the light of the mass of accumulated evidence now linking domestic violence both with developmental problems in childhood and with violence extending over generations – with all the associated secondary costs that that brings – it is time to stop using project grants to fund proven strategies. They must now be replaced by guaranteed long-term funding of programmes for children, and for victims of violence and perpetrators of violence.

Prevention, including prevention of violence committed by children and young people, demands that measures should be taken in consensus, and that all individuals affected by violence should receive support appropriate to their needs. A lasting effect will not be achieved by individual measures, but requires coordinated bundles of different strategies all targeting the common goal of minimising the use of violence in relations between the sexes. Domestic violence poses enormous challenges to society. However, the record of recent years shows clearly that the effort and commitment are worthwhile, and that many positive developments may lead to greater freedom from violence.

36 cf. Hafner 2005

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